

## **REMARKS**

### **A. Overview**

The present application includes claims 1-11. With this Amendment, Applicants have added claims 12-18. As such, claims 1-18 are pending in this application.

### **B. Claim Rejections under 35 U.S.C. §102(b)**

The Examiner rejected claims 1 and 3 under 35 U.S.C. §102 as being anticipated by US Patent No. 3,099,441 to Ries ("Ries"). The rejected claims include independent claim 1.

Ries relates to a SURGICAL DEVICE. Referring to Fig. 2, the patient's skull 10 is rigidly clamped between three needlelike points 11, 12, 13. The clamp point 11 is carried by the upper end of a clamp arm 14 while the clamp points 12 and 13 are carried by the opposite ends of a crescent shaped rocker 15 in turn carried by clamp arm 16.

Applicant submits that Ries does not disclose, teach or suggest the apparatus for restricting movement of a patient's head of amended claim 1 which recites "a frame; and a plurality of constraints engaged with the frame to constrain the patient's head relative to the frame, wherein the plurality of constraints includes a first constraint ... configured to permit at least four degrees of motion of the patient's head relative to the frame, a first degree of motion of the at least four degrees of motion generally permitting motion transverse to the axis of the first constraint."

In rejecting claim 1, the Examiner stated that needlelike points "12 and 13 each permit exactly five degrees of motion; three rotational degrees, in addition to 'up/down' and 'left/right' as allowed by pivot 33." It appears the motion allowed by pivot 33 referred to by the Examiner does not represent motion transverse to an axis of the respective point (12 or 13). Rather, it appears that the motion allowed by pivot 33 is generally along the axis of the respective point (12 or 13). As such, Applicants submit that Ries does not disclose a "first constraint ... configured to permit ... motion transverse to the axis of the first constraint."

For at least these reasons, Applicants submit that the apparatus for restricting movement of a patient's head as recited in independent claim 1 is patentable over Ries. Accordingly, Applicants submit that independent claim 1 is in condition for allowance.

Claim 3 depends from claim 1 and is patentably distinguishable over Ries at least for the reasons given above in connection with claim 1 and for the further limitations of claim 3. Accordingly, Applicants submit that claim 3 is in condition for allowance.

Claims 2 and 4-11 were rejected as being unpatentable over Ries in combination with various additional references. Claims 2 and 4-11 depend from claim 1. Applicants submit that claims 2 and 4-11 are in condition for allowance at least for the reasons given above in connection with claim 1.

#### C. New Claims

With this amendment Applicants have added new claims 12-18 which depend from independent claim 1. Consideration and allowance of these claims is requested.

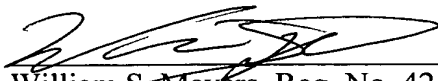
#### D. Final Remarks

Claims 1-18 are believed to be in condition for allowance. Such allowance is respectfully requested.

If necessary, please consider this a Petition for Extension of Time to effect a timely response. Please charge any additional fees or credits to the account of Baker & Daniels Deposit Account No. 02-0390.

In the event that there are any questions related to these amendments or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned.

Respectfully submitted,  
BAKER & DANIELS



William S. Meyers, Reg. No. 42,884  
Baker & Daniels  
300 North Meridian Street, Suite 2700  
Indianapolis, Indiana 46204  
Telephone: (317) 237-1157  
Facsimile: (317) 237-1000